
By: Delegate Frank (By Request)

Introduced and read first time: January 11, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax - Assessment Freeze for Elderly Homeowners**

3 FOR the purpose of prohibiting an increase in the property tax assessment of certain
4 owner-occupied residential real property owned by an individual who is at least a
5 certain age and whose income is less than a certain amount, except under certain
6 circumstances; requiring the Department of Assessments and Taxation to adopt
7 certain regulations; defining certain terms; providing for application of this Act; and
8 generally relating to a prohibition on increases in the property tax assessment of
9 certain owner-occupied residential real property owned by an individual who is at
10 least a certain age with a certain maximum income.

11 BY adding to

12 Article - Tax - Property
13 Section 8-241
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Tax - Property**

19 8-241.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "COMBINED INCOME" HAS THE MEANING STATED IN § 9-104(A)(3) OF
23 THIS ARTICLE.

24 (3) "DWELLING" HAS THE MEANING STATED IN § 9-105(A)(2) OF THIS
25 ARTICLE.

26 (4) "GROSS INCOME" HAS THE MEANING STATED IN § 9-104(A)(8) OF THIS
27 ARTICLE.

28 (5) "HOMEOWNER" HAS THE MEANING STATED IN § 9-105(A)(3) OF THIS
29 ARTICLE.

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1 (6) "PREVIOUS ASSESSMENT" MEANS:

2 (I) FOR THE TAXABLE YEAR BEGINNING JULY 1, 1997, THE
3 TAXABLE ASSESSMENT OF PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1,
4 1996; AND

5 (II) FOR EACH TAXABLE YEAR BEGINNING ON OR AFTER JULY 1,
6 1998, THE ASSESSMENT OF PROPERTY FOR THE PREVIOUS TAXABLE YEAR AS
7 LIMITED UNDER THIS SECTION.

8 (7) "TAXABLE ASSESSMENT" HAS THE MEANING STATED IN § 9-105(A)(5)
9 OF THIS ARTICLE.

10 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A DWELLING
11 MAY NOT BE ASSESSED AT AN AMOUNT GREATER THAN THE PREVIOUS
12 ASSESSMENT OF THE DWELLING, IF:

13 (1) ON THE FIRST DAY OF A TAXABLE YEAR A HOMEOWNER OF A
14 DWELLING WHO RESIDES IN THE DWELLING WILL BE AT LEAST 65 YEARS OLD;

15 (2) THE COMBINED INCOME OF THE HOMEOWNER IS LESS THAN \$50,000;
16 AND

17 (3) THE HOMEOWNER HAS FILED AN APPLICATION WITH THE
18 DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT.

19 (C) SUBSECTION (B) DOES NOT APPLY TO A DWELLING FOR A TAXABLE YEAR
20 IF, DURING THE PREVIOUS CALENDAR YEAR:

21 (1) A HOMEOWNER WHO IS AT LEAST 65 YEARS OLD FAILED TO OCCUPY
22 AND MAINTAIN THE DWELLING AS THE HOMEOWNER'S PRINCIPAL RESIDENCE,
23 UNLESS:

24 (I) THE FAILURE WAS BECAUSE OF ILLNESS OR NEED OF SPECIAL
25 CARE; AND

26 (II) THE DWELLING WAS NOT LEASED TO ANOTHER OCCUPANT BY
27 THE HOMEOWNER;

28 (2) THERE WAS A TRANSFER OF OWNERSHIP OF THE DWELLING,
29 INCLUDING:

30 (I) ANY TRANSFER TO NEW OWNERSHIP, WHETHER OR NOT FOR
31 CONSIDERATION; OR

32 (II) ANY CHANGE IN OWNERSHIP AS A RESULT OF DEATH OF A
33 HOMEOWNER, UNLESS AN OWNER AFTER THE DEATH:

34 1. IS THE SURVIVING SPOUSE OF THE HOMEOWNER WHO
35 DIED;

36 2. OCCUPIED THE DWELLING AS THE SURVIVING SPOUSE'S
37 PRINCIPAL RESIDENCE BEFORE THE DEATH; AND

